



Patent
Attorney's Docket No. 1018656-000677

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **Mail Stop Amendment**
Takatoshi Mochizuki)
Application No.: 10/657,260) Group Art Unit: 2164
Filed: September 9, 2003) Examiner: Alicia M. Lewis
For: DATA MANAGEMENT APPARATUS) Confirmation No.: 4033
AND DATA MANAGEMENT)
PROGRAM)
)

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is a full and timely response to the aforementioned non-final Office Action dated June 28, 2006. Reconsideration and allowance of this application are requested. Claims 1-11 remain pending.

Allowable Subject Matter

Applicant thanks the Examiner for indicating the presence of allowable subject matter in claims 3-5, 7, and 8. For the reasons discussed in detail below, however, Applicant believes that claims 1, 2, 6, and 9-11 are also allowable.

Rejections Under 35 U.S.C. §102

Claims 1, 2, 6 and 9-11 were rejected under 35 U.S.C. §102(e) as anticipated by *Takemoto* (U.S. Patent No. 6,335,742). Applicant respectfully traverses this rejection.

As variously exemplified in Figures 1-5, the present invention is directed to a data management apparatus 20 that automatically assigns key words to each data

file input by a data input apparatus 10. When a user assigns a data file to a prescribed folder, the data management apparatus 20 selects appropriate key words from among the key words for the other data files that already exist in that folder, and automatically adds them to the data file.

Independent claims 1, 10, and 11 broadly encompass the exemplary embodiments described above. Particularly, claim 1 recites, among other elements, a processing unit that extracts the key words assigned to the existing data file in the folder and assigns the extracted key words to the new data file in response to the instruction. Each of claims 10 and 11 recite, among other elements, extracting key words assigned to existing data files in the folder in response to a received instruction, and assigning the extracted key words to the new data file.

Takemoto discloses a file management system and method for recognizing, managing, and manipulating data files stored in a processor based system. A CPU 13 controls the entire apparatus and includes a management file 17 that stores key word table 17a. The key word table 17a stores key words input by the operator in association with the specific key word characters. Key words are assigned to an image file when an operator selects the "REGISTERED KEY WORDS" command from the pull down "FILE" menu on a menu bar 100 in the browser screen. Based on this command, the key word registration dialogue box is displayed and the operator selects a button for registering a key word in the dialogue box and inputs a key word into the dialogue box for registration. If the input key word is acceptable, the "OKAY" button is clicked for confirmation. The input key words are stored in the key word table 17a.

The Office Action alleges that *Takemoto* discloses extracting key words assigned to the existing data files and assigning the extracted key words to a new

data file in response to an instruction, as recited in independent claims 1, 10, and 11. As described above, however, *Takemoto* discloses that the process of assigning key words to a data file is a manual process initiated by an operator. In other words, any key word that is assigned to a new data file is a key word that is input by the operator through a key word registration dialogue box. There is no evidence that *Takemoto* has the capability to extract existing key words and assigning those key words to a new data file. Arguably, *Takemoto* merely discloses that a user enters keywords through a dialogue box. For at least these reasons *Takemoto* fails to anticipate independent claims 1, 10, and 11.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Takemoto* fails to disclose, teach, or suggest every element recited in independent claims 1, 10, and 11, therefore these claims are not anticipated by *Takemoto*. Accordingly, Applicant respectfully requests that the rejection of claims 1, 10, and 11 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

Claims 2, 6 and 9 depend from claim 1. By virtue of this dependency, Applicant submits that claims 2, 6 and 9 are allowable for at least the same reasons given above with respect to claim 1. In addition, Applicant submits that claims 2, 6 and 9 are further distinguished over *Takemoto* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 2, 6, and 9 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.